

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON,
Plaintiff,

v.

ENVIRONMENTAL PROTECTION
AGENCY, an agency of the United States,
and E. SCOTT PRUITT, in his official
capacity as Administrator,
Defendants.

CASE NO. C18-00645-RSM

**STIPULATED MOTION AND
ORDER FOR RELIEF OF 26(F)
CONFERENCE, INITIAL
DISCLOSURES, AND JOINT
STATUS REPORT**

Plaintiff THE STATE OF WASHINGTON, filed the above-captioned lawsuit under the Freedom of Information Act (“FOIA”) against Defendants ENVIRONMENTAL PROTECTION AGENCY and E. SCOTT PRUITT, in his official capacity as Administrator, seeking disclosure of certain documents.

To date, this Court has not yet issued an order setting deadlines for a Rule 26(f) Conference, initial disclosures, and a joint status report. For the reasons stated below, the parties respectfully request that the Court not issue an order setting those deadlines, and instead allow the parties to submit a joint status report within the next 90 days.

1 The parties agree that this case constitutes “an action for review on an
2 administrative record” under Rule 26(a)(1)(B)(i), and is exempt from the initial
3 disclosure requirements of Rule 26(a)(1), as well as from the requirements of Rule 26(f),
4 requiring the parties to prepare a discovery plan.

5 Accordingly, through their counsel of record, William R. Sherman and Michelle
6 R. Lambert, the parties hereby STIPULATE AND AGREE that this case constitutes “an
7 action for review on an administrative record” under Rule 26(a)(1)(B)(i), and is exempt
8 from the initial disclosure requirements of Rule 26(a)(1), as well as from the
9 requirements of Rule 26(f), requiring the parties to prepare a discovery plan.

10 Furthermore, the parties intend to work cooperatively to attempt to resolve this
11 litigation without motion practice. If at any time in the next 90 days it becomes apparent
12 that resolution between the parties is not feasible, the parties will submit a briefing
13 schedule to the Court.

14 The parties propose a joint status report to be filed on or before September 12,
15 2018.

16 DATED this 14th day of June, 2018.

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18 Respectfully Submitted,
19 ANNETTE L. HAYES
United States Attorney

20 s/ Michelle R. Lambert
21 MICHELLE R. LAMBERT, NYS #4666657
22 Assistant United States Attorney
23 United States Attorney’s Office
24 700 Stewart Street, Suite 5220
25 Seattle, Washington 98101
26 Phone: (206) 553-7970
Fax: (206) 553-4073
Email: michelle.lambert@usdoj.gov

27 *Attorneys for Defendant*
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3 OFFICE OF THE ATTORNEY GENERAL
4 ROBERT W. FERGUSON
5 Attorney General

6 s/ William R. Sherman
7 WILLIAM R. SHERMAN, WSBA# 29365
8 Assistant Attorney General
9 800 5th Ave Suite 2000, TB-14
10 Seattle, WA 98104
11 Phone: (206) 442-4485
12 Email: bill.sherman@atg.wa.gov

13 *Attorneys for Plaintiffs*

14 **ORDER**

15 It is hereby ORDERED that:

16 The parties are released from the initial disclosure requirements of Rule 26(a)(1),
17 as well as the requirements of Rule 26(f), requiring the parties to prepare a discovery
18 plan.

19 Dated this 18 day of June, 2018.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE
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